

**Senate File 447 - Reprinted**

SENATE FILE 447  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 1144)

(COMPANION TO HF 468 BY  
COMMITTEE ON AGRICULTURE)

(As Amended and Passed by the Senate March 14, 2017)

**A BILL FOR**

1 An Act providing for certain court actions involving an  
2 allegation of a public or private nuisance or the  
3 interference with a person's comfortable use and enjoyment  
4 of life or property caused by an animal feeding operation,  
5 providing for the award of damages, costs, and expenses, and  
6 including effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 657.11A Animal agriculture —  
2 promotion of responsible animal feeding operations.

3     1. *a. Findings.* The general assembly finds that important  
4 public interests are advanced by preserving and encouraging the  
5 expansion of responsible animal agricultural production in this  
6 state which provides employment opportunities in and economic  
7 growth for rural Iowa, contributes tax revenues to the state  
8 and to local communities, and protects our valuable natural  
9 resources.

10    *b. Purpose.* The purpose of this section is to encourage  
11 persons involved in animal agriculture to adopt existing  
12 prudent and generally utilized management practices for their  
13 animal feeding operations, thereby enhancing the fundamental  
14 role of animal agriculture in this state by providing a  
15 reasonable level of protection to persons engaged in animal  
16 agricultural production from certain types of nuisance actions.

17    *c. Declaration.* The general assembly has balanced all  
18 competing interests and declares its intent to preserve  
19 and enhance responsible animal agricultural production,  
20 specifically animal agricultural producers in this state  
21 who use existing prudent and generally utilized management  
22 practices reasonable for their animal feeding operations.

23    2. Except as otherwise provided by this section, an animal  
24 feeding operation, as defined in section 459.102, found to  
25 be a public or private nuisance under this chapter or under  
26 principles of common law, or found to interfere with another  
27 person's comfortable use and enjoyment of the person's life or  
28 property under any other cause of action, shall be conclusively  
29 presumed to be a permanent nuisance and not a temporary  
30 or continuing nuisance under principles of common law, and  
31 shall be subject to compensatory damages only as provided in  
32 subsection 3.

33    3. Compensatory damages awarded to a person bringing  
34 an action alleging that an animal feeding operation is a  
35 public or private nuisance, or an interference with the

1 person's comfortable use and enjoyment of the person's life or  
2 property under any other cause of action, shall not exceed the  
3 following:

4     *a.* The person's share of compensatory property damages due  
5 to any diminution in the fair market value of the person's real  
6 property proximately caused by the animal feeding operation.  
7 The fair market value of the real property is deemed to equal  
8 the price that a buyer who is willing but not compelled to  
9 buy and a seller who is willing but not compelled to sell  
10 would accept for the real property. The person's share of any  
11 compensatory property damages must be based on the person's  
12 share of the ownership interest in the real property. For  
13 purposes of this section, ownership interest means holding  
14 legal or equitable title to real property in fee simple, as a  
15 life estate, or as a leasehold interest.

16     *b.* The person's compensatory damages due to the person's  
17 past, present, and future adverse health condition. This  
18 determination shall be made utilizing only objective and  
19 documented medical evidence that the nuisance or interference  
20 with the comfortable use and enjoyment of the person's life or  
21 property was the proximate cause of the person's adverse health  
22 condition.

23     *c.* The person's compensatory special damages proximately  
24 caused by the animal feeding operation, including without  
25 limitation, annoyance and the loss of comfortable use and  
26 enjoyment of real property. However, the total damages awarded  
27 to a person under this paragraph "*c*" shall not exceed one and  
28 one-half times the sum of any damages awarded to the person for  
29 the person's share of the total compensatory property damages  
30 awarded under paragraph "*a*" plus any compensatory damages  
31 awarded to the person under paragraph "*b*".

32     4. This section shall apply to an animal feeding operation  
33 in the same manner as section 657.11, subsections 4 and 5.

34     5. This section shall not apply if the person bringing  
35 the action proves that the public or private nuisance or

1 interference with another person's comfortable use and  
2 enjoyment of the person's life or property under any other  
3 cause of action is proximately caused by any of the following:

4     *a.* The failure to comply with a federal statute or  
5 regulation or a state statute or rule which applies to the  
6 animal feeding operation.

7     *b.* The failure to use existing prudent generally utilized  
8 management practices reasonable for the animal feeding  
9 operation.

10     6. This section does not apply to a person during the  
11 time in which the person is classified as a habitual violator  
12 pursuant to section 459.604.

13     7. This section does not apply to a cause of action that  
14 accrued prior to the effective date of this Act.

15     Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
16 importance, takes effect upon enactment.